IN RE: PETITION FOR ADMIN, VARIANCE N/S Bush Cabin Court, 380.52' E of centerline of Bush Cabin Court 7<sup>th</sup> Election District 3rd Councilmanic District 34 Bush Cabin Court

Donald H. Ensor & Mary M. Ensor Petitioners

- **BEFORE THE**
- DEPUTY ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- CASE NO. 99-426-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for administrative variance filed by the legal owners of the subject property, Donald H. Ensor and Mary M. Ensor. The variance request is for property located at 34 Bush Cabin Court, located in the Parkton area of The Petitioners herein seek a variance from Section 1A03.4.B.2 of the Baltimore County. Baltimore County Zoning Regulations (BCZR) to permit a front yard setback of 89.3 ft. in lieu of the required 100 ft. from the centerline of the street. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of June, 1999 that a variance from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (BCZR) to permit a front yard setback of 89.3 ft. in lieu of the required 100 ft. from the centerline of the street, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ПМОТНУ М. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

June 17, 1999

Mr. & Mrs. Donald H. Ensor 34 Bush Cabin Court Parkton, Maryland 21120

Re: Petition for Administrative Variance

Case No. 99-426-A

Property: 34 Bush Cabin Court

Dear Mr. & Mrs. Ensor:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



REU 9/15/98

## **Petition for Administrative Variance**

## to the Zoning Commissioner of Baltimore County

for the property located at 34 BUSH CABIN COURT PARKTON which is presently zoned RC-4 MO 21120

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1AO3.4.B.2. BCZR

To permit a front yard setback of 89.3' in lieu of the reguired 100' from the centerline of the street.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly de perjury, that I/we are is the subject of this	clare and affirm, under t the legal owner(s) of the Petition.	he penalties of e property which
Contract Purchaser/L	essee:		Legal Owner(s):		
			DONAL	-DHENSO	R
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Signature			Signature		
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Attorney For Petitions	<u>er:</u>		34 Brush	Colin Lout	410-529-69
Z Z			Addrese	ms.	Telephone No. 2/1との
Name Type or Print			City	State	Zip Code
Signature			Representative 1	to be Contacted:	
Signature			Ga A	Hall	
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ydress.		Telephone No.	Address	) <sub>(</sub>	Telephone No.
	State	7. 0. 1.	YORK	PA	21120
	State	Zip Code	City	State	Zip Code

Estimated Posting Date

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Address  PARKTON MD 2(120)  City State ZipCode  That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):  At the end of March 1999 S & A Homes had a location survey done at the property in question. It reflected an error in the placement of the house. S & A Homes then brought this to the attention of Baltimore County. That brings us to today.  The home is all but completed (completion scheduled for May 15, 1999) and Mr. Ensor has an out of town purchaser for the residence. The purchasers are a family of 4 needing immediate occupancy. Based on the layout of the development with the off-set lots a variance ammending the front set back 69.3' does not create an adverse condition for the adjoing properties.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  Danks Falso H. Ewso R.  Name-Type or Print  Name-Type or Print  Name-Type or Print	That the Affiant(s) does/do presently reside at	34	BUSH	CABIN	COURT	
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.	,, , ,					2 42 5
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	DONALD H EWSOR		Signati Name	re  ARVM  Type or Print	ENSOR	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	·	. 1				<del>`</del>
I HEREBY CERTIFY, this 18th day of 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  TOWALD M. ENSOR  the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.	TONALS M. ENSOR ANS the Affiant(s) herein, personally known or satisfa	MAZ actorily ide	Y M. A	ENSON e as such Affi	ant(s), and made oat	th in due form of
AS WITNESS my hand and Notarial Seal  May 18, 1999 STELLA ROTTH LOWER			Sulas	De La	) Stell 576111	a Cism Loweri
Date  May 18, 1999  Notary Public  My Commission Expires  Outber 1, 4001			, (	on Evniros	ONTREE !	2001

## Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	34	Busil	CABIN	COURT	
	Address PAF	RKTON	M D Sta		21120
	J.1.				ZIP Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	wing are ip or prac	the facts upo tical difficulty)	in which I/we b ):	ease the request	for an Administrative
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That the Affiant(s) acknowledge(s) that if a fe advertising fee and may be required to provide  Down H Succession of the Signature  Down Lo H Ewsor  Name - Type or Print	ormal der additional	information.		be required to  M. ENSOR	
STATE OF MARYLAND, COUNTY OF BALTI					
			, <i></i>	efore me, a Nota	ary Public of the State
I HEREBY CERTIFY, this Property day of of Maryland, in and for the County aforesaid, pe	ersonally a	appeared			
the Affiant(s) herein, personally known or satisflaw that the matters and facts hereinabove set	sfactorily if forth are t	dentified to name and corre	ENSOR ne as such Aff ect to the best	iant(s), and mad of his/her/their kn	e oath in due form of owledge and belief.
AS WITNESS my hand and Notarial Seal			1	1	
May 18, 1999 Date		Milla &	wit To	sem 57	ELLA RUTH LOWER

My Commission Expires

REV 09|15|98



CASE NO.

REV 9/15/98

## **Petition for Administrative Variance**

### to the Zoning Commissioner of Baltimore County

for the property located at	<u>34</u>	BUSH	CAR	IN COURT	PARKTON
				RC-4	MD 21120

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1AO3.4.B.2 BCZR.

To permit a front yard setback of 89.3' in lieu of the reguired 100' from the centerline of the street.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			perjury, that is the subject	I/we are the legal owner(s) of to t of this Petition.	ne property which
<u>Contract Purchaser/Le</u>	essee:		<u>Legal Ow</u>	<u>ner(s):</u>	
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Signature			Signature	VM. ENSOR	
Address		Telephone No.	Name - Type		<del></del>
City	State	Zip Code	Signature	TILL ONDER	•
Attorney For Petitione	r:		34 B	who Colsin Locust	410-329-6953
	<del></del>		Addrese		Telephone No.
			Terk	to gra	2/120
Name - Type or Print		····	City	State	Zip Code
<u></u>		****	Represen	tative to be Contacted:	
Signature			<u></u>	ابيد	
Company			Gary	A: Hall	
			3093	N. George St.	717-854-4418 Telephone No.
Address		Telephone No.	Address	_	
Str			YORK	PA	21120
City	State	Zip Code	City	State	Zîp Code
A Public Hearing having been his day of egulations of Baltimore County a	. tr	hat the subject matter of th	required, it is ord- nis petition be set fo	ered by the Zoning Commissioner r a public hearing, advertised, as n	of Baltimore County, equired by the zoning
			Zoni	ng Commissioner of Baltimore Cou	nty

Estimated Posting Date

#### ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 34 Bush Cabin Court Lot 31 Parkton, MD 21120

Beginning at the point on the North side of <u>Bush Cabin Court</u> which is <u>40</u>

feet wide at the distance of <u>380.52' East</u> of the centerline of the nearest improved intersecting street <u>Bush Cabin Court</u> which is <u>40 feet</u> wide.

Being <u>Lot #31</u>, <u>Block — , Section #2</u>, in the subdivision of <u>Greenside Vista</u> as recorded in the Baltimore County Plat <u>Book #65</u>, <u>Folio #144</u> containing <u>5.088 ACI</u>. Also know as <u>34 Bush Cabin Court</u> and located in the <u>7th</u> Election Distric, <u>3</u> Councilmenic District.

42U

99.426-A

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BALTIMORE COUNTY, MARY OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE 4-27-9-07 A	•	RECEIVED SAA COSTON BUTH HUMES	Ol Vaciones	70Y

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nt.

## CERTIFICATE C POSTING

	RE: Case No.: 99-426-A
	Petitioner/Developer:
	DONALD & MARY ENSOR
	Date of Hearing/Closing: 6/7/99
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of per	rjury that the necessary sign(s) required by law
were posted conspicuously on the property loca	ited at
34 BUSH CABI	N COURT
The sign(s) were posted on	5/23/99
	Month, Day, Year)
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	11
	6/1/1891/- to be
	(Signature of Sign Poster and Date)
<b>Z0</b> *	RICHARD E. HOFFMAN
VARIANCE	(Printed Name)
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Property Co. How Designed to the Co. How t	(Address)
	FALLSTON, MO. 21047
The second secon	(City, State, Zip Code)
2	(410) 879-3172 (Telephone Number)
	(Telephone Number)
CASE # 99-426-A	
34 BUSH CABIN COURT	
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Comme Complete State 1.	

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99-426 -A Address 34 Bush Cabin Court
Contact Person: Jun R. Fernando Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $5 - 14 - 99$ Posting Date: $5 - 23 - 99$ Closing Date: $6 - 7 - 99$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <b>POSTING/COST:</b> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 99- 426 -A Address 34 Bush Cahin Court
Petitioner's Name Donald & Mary Enser Telephone 410-329-6955
Posting Date: 5-23-99 Closing Date: 6-7-99
Wording for Sign: To Permit a front yard setback of 89.3' in lieu of the required 100' from the conterline of the street.

#### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 99- 426 -A Address 34 Bush Cabin Court
Contact Person: Jun R. Fernando Phone Number: 410-887-3391
Filing Date: $4-27-99$ Posting Date: $5-9-99$ Closing Date: $5-24-99$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
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(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 99- 426 A Address 34 Bush Cabin Court
Petitioner's Name Donald 4 Mary Ensor Telephone 410-329-695
Posting Date: 5-9-99 Closing Date: 5-24-99
Wording for Sign: To Fermit a front yard setback of 89 3' In lieu
of the required 100' from the centerline of the street.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

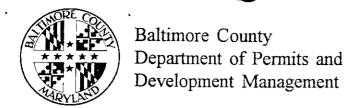
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

or Newspaper Advertising:
em Number or Case Number: 99-426-A
etitioner: Donal d Enson
ddress or Location: 34 Bush Cabin Court, PARKton Md 200
,,,
LEASE FORWARD ADVERTISING BILL TO:
ame: S&A H6MES
ame: S&A H6MES

Revised 2/20/98 - SCJ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 9, 1999

Mr. Gary Hall 3093 N. George Street York, PA 21120

> RE: Case No.: 99-426-A Petitioner: Ensor

> > Location: 34 Bush Cabin Court

Dear Mr. Hall:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 27, 1999.

The Zoning Advisory Committee (ZAC). which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards,

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 1, 1999

Department of Permits & Development

Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for June 1, 1999

Item Nos. 421, 426) 435, 436, 437, 438, 444, 445, 447, 448, 449, 450,

and 453

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

6/1 Ar

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Date: May 25, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 426, 435, 436, 437, 438, 439, 444, 445, 446, 448 and 455

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL





700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

June 2, 1999

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 24, 1999

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

425. 434, 435, 436, 437, 438, 439, 444, 445, 446, 447, 449, 449, 450, 451, 452, , and 455

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED JUN 1 7 1999

#



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date:

5.21.99

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No.

421

JRF

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

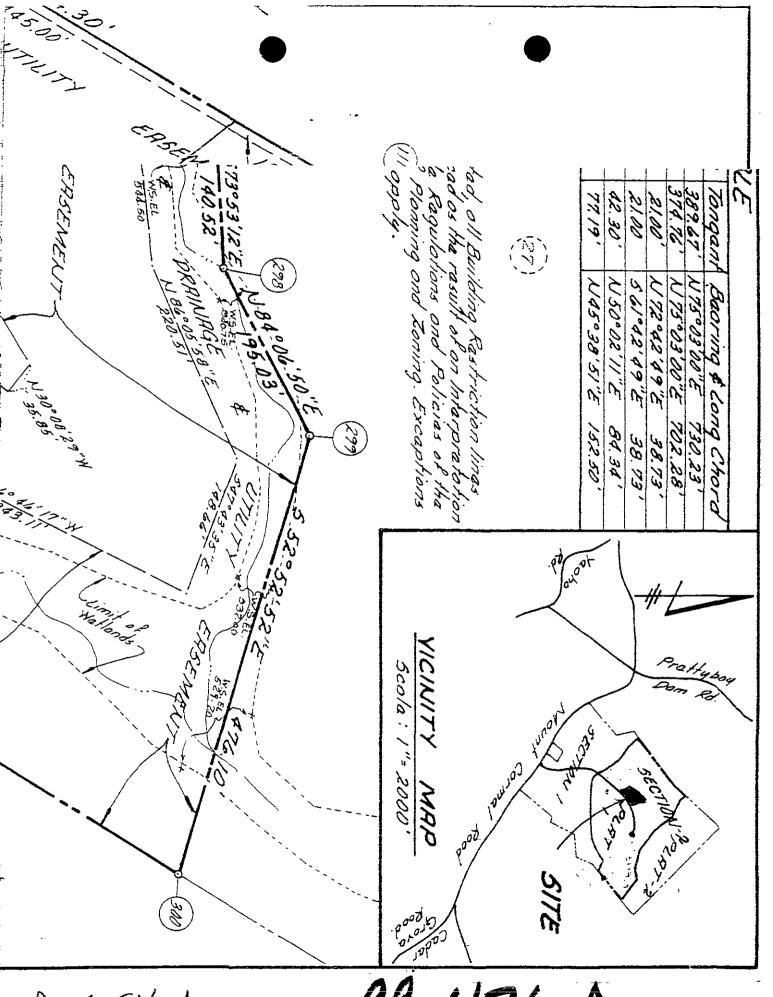
Very truly yours,

In

Michael M. Lenhart, Chief

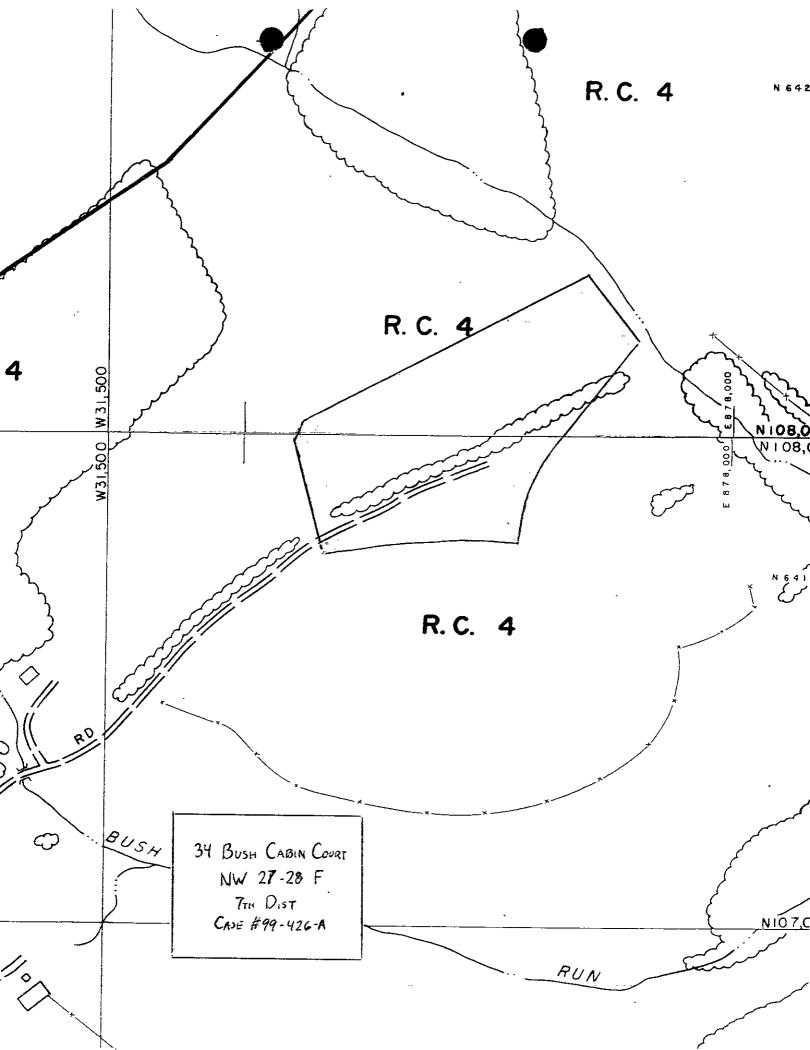
1. J. Grell

Engineering Access Permits Division



PET. EX. 1

99.426.A





FROM JORN



Front Gard

H26



REAR Yard



Side Yard

